

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Civil Revision No.5877 of 2007

Date of Decision: December 14, 2007

Isham Singh and another Petitioners

Versus

Mahavir Parshad Respondent

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Arvind Singh, Advocate for the petitioners.

S. D. ANAND, J.

1. The impugned plea for additional evidence, which came to be declined by the learned Trial Court, was preferred only after the parties had concluded evidence and the matter was ripe for arguments. The relevant document i.e. mark 'A', for the production whereof the additional evidence had been raised, had not been put to the alleged executant thereof i.e. the respondent who stepped into the witness box as PW2. The factum of this document was to the notice of the petitioner from the very beginning of the trial.

2. Learned counsel for the petitioners tries to wriggle out of the predicament by arguing that the suggestion in the context of mark 'A' had been put to the respondent when he entered the witness box as PW2. In support of that argument, he invites the attention of this Court to a copy of his cross-examination which was placed on file by means of a C.M.

3. The putting forth of a suggestion is one thing and it is quite another thing to confront a witness with the document itself, particularly when that witness is averred to be the executant thereof. There was no earthly reason why mark 'A' would not have been put to the respondent when it was the own plea of the petitioner that it was he (respondent) who was the executant of that document.

4. Dismissed in limine.

December 14, 2007
SRM

(S. D. ANAND)
JUDGE

Note: Whether referred to reporter ? Yes/No